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E-filing

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

SC

13 UNITED STATES OF AMERICA,) No. C 08-
14 Plaintiff,) 04-115
15 v.) COMPLAINT FOR FORFEITURE
16 (1) \$160,450 IN U.S. CURRENCY;)
17 (2) \$5,480 IN U.S. CURRENCY;)
18 (3) \$3,042 IN U.S. CURRENCY.)
19 (4) \$31,000 IN U.S. CURRENCY; AND)
20 (5) \$3,000 IN U.S. CURRENCY;
Defendants.)

21 NATURE OF THE ACTION

22 1. This is a judicial forfeiture action, as authorized by 21 U.S.C. § 881(a)(6), which
23 involves a marijuana cultivation operation and the execution of search warrants at three locations
24 with the seizure of the five above-captioned defendant which total of \$202,972 in United States
25 Currency. Investigation revealed that the marijuana cultivation operation at 336 Adeline Street
26 was being run by Joao SILVERSTEIN and Isabelle CHOINIÈRE-CORREA. During the
27 execution of a search warrant at a warehouse located 336 Adeline Street, Oakland, California,
28 law enforcement officers and agents seized approximately 270 marijuana plants, approximately

1 22 kilograms of dried marijuana and other indicia of a marijuana cultivation operation. During
2 the execution of a state search warrant at the residence and of the vehicle of SILVERSTEIN at
3 4133 Redwood Road, Oakland, California, officers and agents seized 228 rooted marijuana
4 plants from the basement, indicia of marijuana cultivation, as well as (1) defendant \$160,450 in
5 United States Currency; (2) defendant \$5,480 in United States Currency; and (3) defendant
6 \$3,042 in United States Currency. During the execution of a state search warrant at the residence
7 of CHOINIÈRE-CORREA at 5082 Congress Avenue, Oakland, California, law enforcement
8 officers and agents seized a small amount of marijuana along with (4) defendant \$31,000 in
9 United States Currency and (5) defendant \$3,000 in United States Currency.

10 JURISDICTION AND VENUE

11 2. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355, and 21 U.S.C.
12 § 881(a)(6).

13 3. Venue in this Court is proper because all defendants were seized in the Northern
14 District of California. 28 U.S.C. §§ 1355(b) and 1395.

15 4. The intra-district venue is proper in the San Francisco Division of the Oakland
16 Division within the Northern District of California.

17 PARTIES

18 5. Plaintiff is the United States of America.

19 6. Defendants which total \$202,972 are (1) defendant \$160,450 in United States
20 Currency; (2) defendant \$5,480 in United States Currency; (3) defendant \$3,042 in United States
21 Currency; (4) \$31,000 in United States Currency; and (5) \$3,000 in United States Currency.

22 FACTS

23 7. On or about November 9, 2007 while attempting to extinguish a structure fire
24 located at 337 Chestnut Street, Oakland, California, fire fighters from the Oakland Fire
25 Department, were forced to enter a warehouse located at 336 Adeline Street, which shares a wall
26 with 337 Chestnut Street to investigate whether the fire had spread from 337 Chestnut Street to
27 336 Adeline Street. Once entry was made into the warehouse at 336 Adeline Street, fire fighters
28 observed an indoor marijuana cultivation operation in multiple rooms, exhaust fans, a ventilation

1 system and other indicia of a marijuana cultivation operation and therefore summoned law
2 enforcement officers from the Oakland Police Department.

3 8. Information on 336 Adeline Street was subpoenaed from Pacific Gas and Electric
4 (“PG&E”) and from AT&T. The PG&E bills for the premises listed Isabelle CHOINIERE doing
5 business as Eurovision on the account for 336 Adeline Street, and reflect excessive use of
6 electricity for the period from September 2005 to September 2007. The monthly electricity bill
7 during that period ranged from over \$3000 to over \$6000 per month, and during 11 months the
8 bill exceeded \$5000. AT&T had no record of a telephone related to 336 Adeline Street. During
9 several surveillances of 336 Adeline Street, law enforcement did not observe anyone either
10 entering or exiting 336 Adeline Street.

11 9. After being summoned by firefighters and during a protective sweep of the
12 warehouse at 336 Adeline Street, law enforcement officers observed marijuana cultivation in
13 multiple rooms, exhaust fans, a ventilation system and other indicia of marijuana cultivation,
14 including a receipt written to CHOINIERE-CORREA with the address listed as 5082 Congress
15 Avenue, Oakland, California, as well as two rental agreements from East Bay Truck Rental in the
16 name of URO Visions and Isabelle at 4133 Redwood Road, Oakland, an address not far from 336
17 Adeline Street.

18 10. On November 9, 2007, law enforcement officers and agents obtained and
19 executed state search warrants for three locations: 336 Adeline Street, Oakland, California; 4133
20 Redwood Road, Oakland, California; and 5082 Congress Avenue, Oakland, California.

21 11. In executing the search warrant at the warehouse on 336 Adeline Street,
22 enforcement officers and agents seized approximately 270 marijuana plants, approximately 22
23 kilograms of dried marijuana and other indicia of a marijuana cultivation operation. An
24 investigation revealed that Joao SILVERSTEIN, Isabelle CHOINIERE and SILVERSTEIN’S
25 wife, Eliete Abreu, had leased the warehouse at 336 Adeline Street.

26 12. In executing the search warrant at the residence of SILVERSTEIN at 4133
27 Redwood Road, law enforcement officers and agents seized approximately 228 rooted marijuana
28 plants from two rooms in the basement, approximately 3 kilograms of marijuana, indicia of

1 marijuana cultivation, as well as (1) defendant \$160,450 in United States Currency from a safe in
2 the closet of the master bedroom and (2) defendant \$5,480 in United States Currency in a manila
3 envelope from a dresser drawer in the master bedroom. During a search of SILVERSTEIN's
4 2005 Toyota Matrix, California License 5BWT353, law enforcement officers seized from within
5 the glove compartment a blue canvas pouch with "Employee" written on one side which
6 contained (3) defendant \$3,042 in United States Currency. Defendant \$160,450 consisted of bills
7 in the following denominations: 1060 x \$100 dollar bills; 122 x \$50 dollar bills; 2387 x \$20
8 dollar bills; 59 x \$10 dollar bills; and 4 x \$5 dollar bills. Defendant \$5,480 consisted of bills in
9 the following denominations: 6 x \$100 dollar bills; 1 x \$50 dollar bill; 240 x \$20 dollar bills; 2 x
10 \$10 dollar bills; and 2 x \$5 dollar bills. Defendant \$3,042 consisted of bills in the following
11 denominations: 20 x \$100 dollar bills; 47 x \$20 dollar bills; 2 x \$10 dollar bills; 16 x \$5 dollar
12 bills; and 2 x \$1 dollar bills. Marijuana traffickers frequently obtain and conceal large sums of
13 money involved in the purchase and sale of marijuana. Further, the denominations of the bills
14 constituting defendants are consistent with the proceeds from street sales and trafficking in illegal
15 drug substances, such as marijuana.

16 13. On November 9, 2007, law enforcement agents and officers detained
17 SILVERSTEIN at his residence at 4133 Redwood Road and interviewed him after
18 SILVERSTEIN was read his Miranda rights and after he was told that he could terminate the
19 interview at any time. SILVERSTEIN said that he kept approximately \$150,000 in United States
20 Currency, which belonged to him, in a safe inside his master bedroom closet and that the United
21 States Currency came from the sale of jewelry. When asked for proof of sale of the jewelry,
22 SILVERSTEIN replied that his company was a cash company and that he did not have receipts
23 for the purchase of jewelry inventory, or for the sales of the jewelry. SILVERSTEIN stated that
24 he sold most of his inventory two years ago, but still had a small amount available, and told
25 agents exactly where at the warehouse at 336 Adeline Street he kept his inventory in a plastic bin
26 on the floor inside a workroom. Based on his description, agents were able to locate the plastic
27 bin that SILVERSTEIN described in a corner of one room of the over 9,000 square foot
28 warehouse. The plastic bin – approximately 2 feet wide x 1 ½ feet long 1 foot high – contained

1 papers and approximately 24 plastic baggies each containing a number of inexpensive metal
2 charms. A representative sample of 17 of the charms were appraised and the total appraisal value
3 of those 17 charms was \$10.02. Agents found no evidence of jewelry manufacturing equipment
4 in that room or elsewhere on the premises. The plastic bin was in a room being used to dry
5 marijuana and also in the room were two digital scales as well as baggies of the type used in
6 packaging marijuana.

7 14. According to SILVERSTEIN, he had own a business, Eurovision, a costume
8 jewelry making company, for five and a half years; he operated Eurovision out of his residence at
9 4133 Redwood Road; and Eurovision created jewelry at 336 Adeline Street. SILVERSTEIN had
10 keys to 336 Adeline Street and instructed agents how to use them to open the front door and
11 padlocks at 336 Adeline Street. Although SILVERSTEIN initially denied having any illnesses
12 for which he was taking medication, SILVERSTEIN later told agents that he was taking medical
13 marijuana for anxiety, insomnia and degenerative disc disease and that he had a doctor's
14 prescription for it.

15 15. In executing the search warrant at 5082 Congress Avenue, law enforcement
16 officers and agents seized approximately some marijuana and also seized (4) defendant \$31,000
17 in a yellow envelope marked "reserve" from a safe. In addition, law enforcement officers seized
18 (5) defendant \$3,000 from a black bag inside a drawer in the bed frame of the bed located in the
19 master bedroom. Defendant \$31,000 consisted of bills in the following denominations: 41 x
20 \$100 dollar bills; 10 x \$50 dollar bills; and 1320 x \$20 dollar bills. Defendant \$3,000 consisted
21 of 150 x \$20 dollar bills. Marijuana traffickers frequently obtain and conceal large sums of
22 money involved in the purchase and sale of marijuana. Further, the denominations of the bills
23 constituting defendants are consistent with the proceeds from street sales and trafficking in illegal
24 drug substances, such as marijuana.

25 16. On November 9, 2007, law enforcement officers arrested Isabelle CHOINIÈRE,
26 Joao SILVERSTEIN and Mark Lawrence CORREA for cultivating marijuana in violation of
27 Section 11358 of the California Health and Safety Code, and for possession of marijuana for sale
28 in violation of Section 11359 of the California Health and Safety Code.

1 17. Because of the totality of the circumstances described above, the five
2 above-captioned defendants totaling \$202,972 were seized and are subject to judicial forfeiture as
3 drug proceeds or as money used to facilitate a drug transaction.

VIOLATIONS

5 18. The United States incorporates by reference the allegations in paragraphs one
6 through paragraph 17 as though fully set forth.

7 19. Section 881(a)(6) of Title 21 of the United States Code, provides for the forfeiture
8 of all money furnished or intended to be furnished by any person in exchange for a controlled
9 substance or listed chemical in violation of Subchapter I, Chapter 13 of Title 2, and all proceeds
10 traceable to such an exchange, and all money used or intended to be used to facilitate any
11 violation of Subchapter I, Chapter 13 of Title 2.

12 20. In light of the foregoing, all five of the above-captioned defendants – which
13 consist of (1) \$31,000 in United States Currency; (2) \$3,000 in United States Currency; (3)
14 defendant \$160,450 in United States Currency; (4) defendant \$5,480 in United States Currency;
15 and (5) defendant \$3,042 in United States Currency – are subject to seizure and judicial
16 forfeiture.

* * * *

18 WHEREFORE, plaintiff United States of America requests that due process issue to
19 enforce the forfeiture of defendants, that notice be given to all interested parties to appear and
20 show cause why forfeiture should not be decreed, that judgment of forfeiture be entered and that
21 the plaintiff United States of America be awarded such other relief as may be proper and just.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

STEPHANIE M. HINDS
Assistant United States Attorney

25 || Dated: April 3, 2008

Assigned to: AUSA Kenney
AUSA Kenney

Complaint for Forfeiture
No. C 08-

1 VERIFICATION

2 I, Special Agent James P. Nuttall, state as follows:

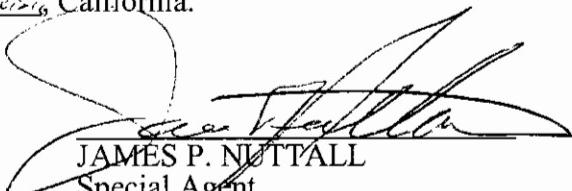
3 1. I am a Special Agent with the Drug Enforcement Administration assigned to the
4 Oakland District Office. I am the case agent in connection with this case, and familiar with the
5 facts, the investigation and the reports leading to the filing of this Complaint for Forfeiture.

6 2. I have read the Complaint and believe the allegations contained in it to be true.

7 * * * * *

8 I declare under penalty of perjury that the foregoing is true and correct. Executed this

9 2 day of April, 2008, in San Francisco, California.

10 
11 JAMES P. NUTTALL
12 Special Agent
13 Drug Enforcement Administration
United States Department of Justice

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

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E-filing

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,)
16 Plaintiff,) No. 08-
17 v.)
18)
19 Defendants.)

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TO: ANY DEPUTY UNITED STATES MARSHAL OR ANY SPECIAL AGENT OF
DRUG ENFORCEMENT ADMINISTRATION:

YOU ARE HEREBY COMMANDED to arrest and seize the defendant currency and
maintain custody of same pursuant to 19 U.S.C. § 1605 until further Order of the Court.

Claimants of the above-described currency which is the subject of this action shall file their
claims with the Clerk of the Court, Northern District of California, 450 Golden Gate Ave., 16th
floor, San Francisco, California 94102 and serve a copy thereof upon the United States Attorney,
Attention: Patricia J. Kenney, Assistant United States Attorney, U.S. Attorney's Office, 450

1 Golden Gate Ave., 9th floor, San Francisco, California 94102, within 35 days after the date of
2 service of the complaint in accordance with Rule G(5) of the Supplemental Rules for Admiralty
3 or Maritime and Asset Forfeiture Claims or within 30 days after the date of final publication of
4 the Notice of Forfeiture Action, whichever is earlier and answers to the Complaint shall be filed
5 and served within twenty (20) days thereafter or within such additional time as may be allowed
6 by the Court.

7 Dated: April 4, 2008

RICHARD W. WEIKING
United States District Clerk

MARY ANN BUCKLEY

8 By: _____
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